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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,290	12/12/2003	Warren Keith Edwards	D/A3420	4296
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EXAMINER				
YAARY, MICHAEL D				
ART UNIT		PAPER NUMBER		
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11/18/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/736,290

Applicant(s)

EDWARDS ET AL.

Examiner

MICHAEL YAARY

Art Unit

2193

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 13-23 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13-23, and 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-10, 13-23, and 26-28 are pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claim 1-10, 13-23, and 26-28 are rejected under 35 U.S.C. 102(a) as being anticipated by Schmidt et al. (hereafter Schmidt)(US Pat. 6,546,554).

4. Schmidt was cited in the previous office action dated 04/02/2008.

5. **As to claims 1, 14, and 28**, Schmidt teaches a system for providing self-installing software components for network service execution (Abstract- self install), comprising:

A basic communication framework established with a service host system executing a network service software component to provide a network service (abstract and column 2, lines 33-38);

A checking mechanism to determine availability of the network service software component (column 6, lines 18-32—JNet Helper checks proxy) and to verify prerequisites against a runtime environment through the service host system (abstract and column 2, lines 13-39 - environment associated with registered browser);

A helper mechanism to execute a code bundle providing the network service software component (abstract and column 2, lines 13-39) through the service host system logically grouped with installation instructions for the network service software component (JAR File, abstract and column 2, lines 13-39); and

A viral mechanism to implement the network service software component in the code bundle to offer functionality equivalent to the network service provided by the service host system (column 2, lines 13-39 – applets within a browser and column 13, lines 1-20; col. 14, lines 1-15).

6. **As to claims 2 and 15**, Schmidt teaches a set of standardized method definitions provided through a public interface defined on the network service software component (column 2, lines 22-26 - class path as a set of Universal Resource Identifiers).

7. **As to claims 3 and 16**, Schmidt teaches the standardized method definitions are selected from the group comprising at least one of an availability method (column 2, lines 16-21), environment verification method, code retrieval method, and an update method (column 2, lines 30-34 – auto install).

8. **As to claims 4 and 17**, Schmidt teaches the network service software component is updated through the service host system (column 12, lines 33-49).
9. **As to claims 5 and 18**, Schmidt teaches an installation predicate object defined on the service host system to verify that the runtime environment satisfies prerequisites necessary to install and execute the network service software component (column 2, lines 15-24 – environment tied to helper application, registered browser metafile).
10. **As to claims 6 and 19**, Schmidt teaches the installation predicated object is implemented in at least one of mobile code (column 4, lines 34-52) for execution within a managed code platform (JAVA - inherently has a Virtual Machine (JVM)) and in platform-specific native code (column 14, lines 28-57).
11. **As to claims 7 and 20**, Schmidt teaches a helper object defined on the service host system to locate and obtain copies of one or more of the network service software components necessary to satisfy one or more of the prerequisites (column 2, lines 13-39).
12. **As to claims 8 and 21**, Schmidt teaches the helper object (column 2, lines 30-39) is implemented in at least one of mobile (column 4, lines 34-52) for execution within

a managed code platform (JAVA - inherently has a Virtual Machine (JVM)) and in platform-specific native code (column 14, lines 28-57).

13. **As to claims 9 and 22**, Schmidt teaches an update object defined on the service host system to identify (JNet Help as per claim 1), retrieve and install any updates to the network service software component (abstract – download and install).

14. **As to claims 10 and 23**, Schmidt teaches the update object is implemented in at least one of mobile code (column 4, lines 34-52) for execution within a managed code platform (JAVA - inherently has a Virtual Machine (JVM)) and in platform-specific native code (column 14, lines 28-57).

15. **As to claims 13 and 26**, Schmidt teaches the basic communication framework comprises a Java operating environment (column 17, lines 1-5, JAVA platform - the JVM inherent part of Java).

16. **As to claim 27**, Schmidt discloses a computer-readable storage medium holding code for performing the method according to claim 14 (figure 1, #34 – fixed disk).

Response to Arguments

17. Applicant's arguments filed 08/04/2008 have been fully considered but they are not persuasive.

Applicant argues that Schmidt does not teach "implementing the network service software component in the code bundle to offer functionality equivalent to the network service provided by the service host system." Examiner respectfully disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In this case the applicant is interpreting the limitation in a manner which is not recited in the claim. Applicants' interpretation is "once the network service is installed on a requesting system, another requesting system can download and update the network service from the initial requesting system without having to communicate with the service host system." (page 10 paragraph 1 of the remarks). This is not found in the claims. When given the broadest reasonable interpretation, Schmidt teaches the limitation as claimed. That is to say once the requesting machine receives and installs the software, it has the functionality equivalent to the network service provided by the host system upon transfer completion.

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL YAARY whose telephone number is (571)270-1249. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on (571) 272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Y./
Examiner, Art Unit 2193

/Lewis A. Bullock, Jr./
Supervisory Patent Examiner, Art Unit 2193